

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND
BILL NO. 01-21

Introduced by: Council Member Miller

Legislative Day No. 01-25

Date August 7, 2001

AN ACT to repeal and reenact, with amendments, Article XVII, Intent, Article XVIII, Advisory Board, General Regulations, and to repeal and reenact, with amendments, Section 267-93, Board approval required prior to permit issuance, of Article XIX, General Regulations, all of Part 4, Deer Creek Scenic River District, all of Chapter 267, Zoning, of the Harford County Code, as amended; to provide that the intent of the Deer Creek Scenic River District is to preserve and protect the stream; to provide that the Advisory Board review and approve any construction that results in changes to the natural flow of the stream; and generally relating to the Deer Creek Scenic River.

By the Council, August 7, 2001

Introduced, read first time, ordered posted and public hearing scheduled

on: September 4, 2001 October 2, 2001

at: 7:30 p.m.

By Order: James E. Massey, Jr., Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted by the County Council of Harford County, Maryland, that Article XVII, Intent; that Article XVIII, Advisory Board; and that Section 267-93, Board approval required prior to permit issuance, of Article XIX, General Regulations, all of Part 4, Deer Creek Scenic River District, of Chapter 267, Zoning, of the Harford County Code, as amended, be, and they are hereby repealed and reenacted, with amendments, all to read as follows:

Chapter 267. Zoning.

Part 4. Deer Creek Scenic River District

Article XVII. Intent.

Section 267-87. Purpose.

This Part 4 is enacted in furtherance of state law and the Master Plan for Harford County, and it is the purpose of this Part 4 to ensure the protection of private rights and the scenic river in a compatible, harmonious manner and to ensure that it is understood that the private property bounding Deer Creek is not to be public property and will not be such unless purchased by a governmental entity. THE INTENT IS TO PRESERVE DEER CREEK AS A FREE FLOWING STREAM, WITHOUT ADDITIONAL IMPOUNDMENTS OR DIVERSIONS, WITH THE EXCEPTION OF AGRICULTURAL USES, AND TO PRESERVE AND PROTECT ITS NATURAL AND CULTURAL VALUES FOR PRESENT AND FUTURE GENERATIONS.

Article XVIII. Advisory Board.

Section 267-88. Establishment; membership.

The local Deer Creek Scenic River Advisory Board, established in accordance with § 8-403(g) of the Natural Resources Article of the Annotated Code of Maryland, as amended, shall be composed of [nine (9)] 9 members, residents of Harford County. The Local Advisory Board shall be appointed by the County Executive, subject to the approval of the County Council of Harford County. The Board shall consist of [five (5)] 5 members who shall reside on and own land contiguous to Deer Creek, [two (2)] 2 members representing the

Harford County Soil Conservation District and [two (2)] 2 members who shall be residents of the county who do not own land contiguous to Deer Creek.

Section 267-89. Chairman; terms of office.

A. The members of the Board shall select from among its members a Chairman.

B. During the initial term, [three (3)] 3 of the members shall be appointed to serve terms of one [(1)] year, [three (3)] 3 of the members shall be appointed to serve terms of [two (2)] 2 years, and [three (3)] 3 of the members shall be appointed to serve terms of [three (3)] 3 years. Thereafter, the members shall serve for periods of [three (3)] 3 years from the dates of the appointments.

Section 267-90. Quorum.

A majority of the Board shall constitute a quorum for the transaction of business, and a majority vote of the members present shall be necessary to transact business.

Section 267-91. Salaries and compensation.

Members of the Board shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duties.

Section 267-92. Powers and duties.

The powers and duties of the Board shall be as follows:

A. To initiate and recommend policies and regulations to the County Council to enhance and protect the quality of Deer Creek.

B. To review studies, proposed programs and rules formulated by federal, state and local governmental agencies that concern Deer Creek and to make recommendations concerning such proposals to the County Council.

C. To review and make recommendations to the County Council concerning management and preservation of the scenic, agricultural and wild qualities of Deer Creek, with respect to such activities as fishing, hunting, hiking, horseback riding, natural and geological interpretations and scenic appreciation.

D. To review and make recommendations to the County Council concerning the use of the study and plan prepared by the Department of Natural Resources for Deer Creek, evaluating its shoreline and related land in terms of zoning, parks and recreational areas for public and private use.

E. To review and make recommendations to the County Council concerning new construction and development along Deer Creek.

Article XIX. General Regulations.

Section 267-93. Board approval required prior to permit issuance.

Except for the reasonable extension and maintenance or repair of existing buildings or dam structures, any new construction or commercial development within [one hundred fifty (150)] 150 feet of the normal banks of Deer Creek OR ANY CONSTRUCTION THAT RESULTS IN CHANGES TO THE NATURAL FLOW OF THE STREAM shall be reviewed and approved by the Advisory Board before issuance of a zoning or building permit, subject to prohibitions established by local, state or federal law and/or appeal to the board of Appeals of Harford County.

Section 2. And Be It Further Enacted, That this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE:

The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.


Council Administrator

BILL NO. 01-21

HARFORD COUNTY BILL NO. 01-21

Brief Title) Deer Creek Scenic River District

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Administrator

Date _____

Date _____

BY THE COUNCIL

Read the third time.

Passed: LSD _____

Failed of Passage: _____

By Order

Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2001, at _____ p.m.

Council Administrator

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: _____ Date _____

BY THE COUNCIL

WITHDRAWN AT REQUEST OF SPONSOR WITHOUT PUBLIC HEARING

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